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LETTER DATED 16 JANUARY 1996 FROM THE CHAIRMAN OF THE SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO RESOLUTION 864 (1993) CONCERNING THE SITUATION IN ANGOLA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola containing an account of the Committee's activities since its establishment until 31 December 1995. The present report, which was adopted by the Committee under the no-objection procedure on 16 January 1996, is being submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

(Signed) Nabil A. ELARABY
Chairman
Security Council Committee established
pursuant to resolution 864 (1993)
concerning the situation in Angola

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Annex

Report of the Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola

I. INTRODUCTION

1. By its resolution 864 (1993) of 15 September 1993, the Security Council, acting under Chapter VII of the Charter of the United Nations, imposed a regime of mandatory sanctions against the União Nacional para a Independência Total de Angola (UNITA) relating to the sale or supply of arms and related matériel of all types, including weapons and ammunition, military vehicles and equipment and spare parts for the aforementioned, as well as of petroleum and petroleum products.

2. By paragraph 22 of the same resolution, the Security Council established a Committee consisting of all members of the Council to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

(a) To examine the reports submitted pursuant to paragraph 24 of the resolution;

(b) To seek from all States further information regarding the action taken by them with a view to effectively implementing the measures imposed by paragraph 19 of the resolution;

(c) To consider information brought to its attention by States concerning violations of the measures imposed by paragraph 19 and to recommend appropriate measures in response thereto;

(d) To make periodic reports to the Council on information submitted to it regarding alleged violations of the measures imposed by paragraph 19, identifying where possible persons or entities, including vessels, reported to be engaged in such violations;

(e) To promulgate guidelines that may be necessary to facilitate the implementation of the measures imposed by paragraph 19.

3. The Committee's bureau, as elected at its first meeting of each year, consists of a Chairman and two Vice-Chairmen. The Chairman is elected in his/her personal capacity for the calendar year. For 1995, the bureau consisted of Mr. Francesco Paolo Fulci (Italy) as Chairman, and the delegations of Honduras and Indonesia providing the two Vice-Chairmen.

4. The Committee adopted the present report under the no-objection procedure on 16 January 1996. The purpose of the report is to present a factual summary of the Committee's activities since its establishment in 1993 until 31 December 1995, during which time the Committee held eight meetings.

II. BACKGROUND AND SUMMARY OF THE COMMITTEE'S WORK DURING THE REPORTING PERIOD

A. Background information

5. Pursuant to paragraph 24 of Security Council resolution 864 (1993), the Secretary-General issued two notes on the implementation of the resolution, contained in documents S/26702 and S/26702/Add.1 of 5 November and 23 December 1993, respectively. As at 17 December 1993 18 replies had been received from States. a/

6. In paragraph 13 of its resolution 890 (1993) of 15 December 1993, the Security Council reaffirmed the obligation of all States to implement fully the provisions of paragraph 19 of resolution 864 (1993).

7. In paragraph 8 of its resolution 932 (1994) of 30 June 1994, the Security Council reaffirmed the obligation of all States to implement fully the provisions of paragraph 19 of resolution 864 (1993) and in that context urged those neighbouring States that had so far failed to respond substantively to requests from the Committee for information required regarding alleged sanctions violations to do so promptly, and further requested the Committee to provide to the Council, by 15 July 1994, a report on compliance with the sanctions regime and in particular on possible violations of that regime by those neighbouring States.

B. Activities of the Committee

8. The guidelines of the Committee for the conduct of its work were adopted at its 3rd meeting, on 25 October 1993, and transmitted to all States and international organizations on 28 October 1993.

9. At its 4th meeting on 12 November 1993, the Committee decided, with a view to enhancing its performance, to address a special appeal to countries that were geographically contiguous with Angola, as well as other countries in the region that might have the ability to monitor air and sea traffic in the region, for information on reported or suspected violations of the mandatory sanctions with respect to UNITA. Accordingly, six letters were sent, on 15 November 1993, to Botswana, the Congo, Namibia, South Africa, Zaire and Zambia. Replies have since been received from Botswana, the Congo, Namibia, South Africa and Zambia (see S/1994/825 of 15 July 1994).

10. At the same meeting, the Committee discussed the information contained in a communication from Angola on alleged violations regarding matériel and logistical support to UNITA in violation of Security Council resolution 864 (1993). The countries cited in this communication were Namibia, South Africa, Zaire and Zambia. In this connection, letters were sent on 19 November 1993 to the aforementioned Governments with a request to undertake investigations regarding the alleged violation and to forward their findings to the Committee. Subsequently, a reminder from the Secretariat was sent to those States that had not replied to the above communications, and the Chairman of the Committee also made personal representations to the concerned Governments. The

Committee, pursuant to paragraph 8 of its guidelines, issued a press release on 14 June 1994 containing the names of the countries (the Congo and Zaire) that at that time had failed to respond to the Committee's communications (press release No. SC/5860). Replies have since been received from Namibia, South Africa and Zambia.

11. Pursuant to paragraph 8 of Security Council resolution 932 (1994), the Secretariat prepared a report which was adopted by the Committee on 14 July 1994 and thereafter sent to the Security Council for appropriate action (S/1994/825).

C. Observations

12. The Committee has, since its establishment, experienced difficulty in obtaining information on alleged violations of the mandatory sanctions with respect to UNITA. As is the case with similar arms embargoes imposed by the Security Council, the effectiveness of the Committee would continue to depend on the cooperation of Member States in a position to provide information on possible violations.

Notes

a/ Austria, Belgium, Brazil, Denmark, Finland, France, Germany, Italy, Japan, Liechtenstein, Republic of Korea, Russian Federation, South Africa, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland and United States of America.